

SAN FRANCISCO DISTRICT

# PUBLIC NOTICE

Regulatory Branch  
333 Market Street  
San Francisco, CA 94105-2197

NUMBER: 24940N      DATE: February 15, 2006  
RESPONSE REQUIRED BY: March 15, 2006

PERMIT MANAGER: Bryan Matsumoto

PHONE: 415-977-8476

Email: Bryan.T.Matsumoto@usace.army.mil

1. **INTRODUCTION:** Mr. Charles Evans, The Evans Company, 703 Second Street, Suite 200, Santa Rosa, California 95401, ((707)576-7800), through his agent Charles A. Patterson ((925)938-5263), has applied for a U.S. Army Corps of Engineers (Corps) individual permit to develop the Evans/Drew Industrial Subdivision, an 8-lot light industrial subdivision on a 22.8 acre site, located at 900 Mitchell Lane, in the Town of Windsor, Sonoma County, California (APN 164-014-008). This project will cause the permanent loss of 0.70 acre of seasonal wetlands. The duration of authorization, should it be accepted, would be for 5 years from the date of permit issuance. This application is being processed pursuant to the provisions of Section 404 of the Clean Water Act (33 U.S.C. Section 1344).

## 2. PROPOSED PROJECT:

**Project Site:** As stated above, the project is located at 900 Mitchell Lane in the Town of Windsor, Sonoma County, California (APN 164-014-008) (Figure 1-3). The site is bordered on the east by Conde Lane, to the north by Mitchell Lane, and the south by undeveloped land including the 5 acre Summertree wetland mitigation site and an open pasture that is currently being

proposed as a business park. A railroad line borders the site on the western edge. Historically the site was used for agricultural purposes, including livestock grazing and hay production. Current uses include horse pasturing along with construction of a home and small ranch complex.

The site receives water from commercial and industrial lands to the north. The project site drains to the west/southwest and eventually drains into Pool Creek. Wetlands that have been delineated on the site (Figure 4) have been impacted through the years from the agricultural activities carried out on the property. A habitat quality evaluation has been completed for the site, and determined the biological resources on site to be of "low quality."

**Project Description:** As shown on the attached drawings, the applicant plans to develop light industrial buildings, with associated features (roadways, storm drain systems etc.) on 8 lots encompassing 18.9 acres (Figures 5 and 7).

**Purpose and Need:** The basic purpose of this project is to construct a light industrial subdivision. The overall purpose of this

project is to construct an 8-lot light industrial subdivision consistent with its current zoning designation.

The applicant states that there is an increase in needed capacity within the region for manufacturing.

**Impacts:** The project will result in the permanent filling of 0.70 acre of jurisdictional wetlands.

**Mitigation:** The applicant has proposed to create 1.20 acres of wetlands on a mitigation set aside located in the southwest corner of the property to compensate for impacts to the seasonal wetlands. These wetlands have been already constructed to ensure that the soils on site can sustain hydrology sufficient to maintain the created wetlands on the site. In addition, the applicant will preserve and restore 0.50 acre of on-site wetlands within the mitigation set aside (Figure 6).

### 3. COMPLIANCE WITH VARIOUS FEDERAL LAWS:

**National Environmental Policy Act of 1969 (NEPA):** The Corps will assess the environmental impacts of the proposed action in accordance with the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. Section 4371 et. seq.), the Council on Environmental Quality's Regulations (40 C.F.R. Parts 1500-1508), and the Corps' Regulations (33 C.F.R. Part 230 and Part 325, Appendix B). Unless otherwise stated, the Environmental Assessment will describe only the impacts (direct, indirect, and cumulative) resulting from activities within the Corps' jurisdiction. The documents used in the

preparation of the Environmental Assessment will be on file with the U.S. Army Corps of Engineers, San Francisco District, Regulatory Branch, 333 Market Street, San Francisco, California 94105-2197.

### **Endangered Species Act of 1973 (ESA):**

Section 7 of the Endangered Species Act requires formal consultation with the U.S. Fish and Wildlife Service (FWS) and/or the National Marine Fisheries Service (NMFS) if a Corps permitted project may adversely affect any Federally listed threatened or endangered species or its designated critical habitat. Species and critical habitat currently identified as potentially impacted by the proposed project include; federally listed endangered California tiger salamander (*Ambystoma californiense*), and four federally listed endangered plant species, Sonoma sunshine (*Blennosperma bakeri*), Burke's goldfields (*Lasthenia burkei*), Sebastopol meadowfoam (*Limnanthes vincularis*), and many-flowered navarretia (*Navarretia leucocephala* ssp. *Plieantha*).

A letter dated November 14, 2003, from the FWS, states that take of the California tiger salamander is not likely to occur, therefore, the project as proposed is in compliance with the ESA. No further action regarding the California tiger salamander is necessary unless new information is released that shows a potential to affect the species.

Two years of floral surveys have been conducted with no evidence of any of the four listed plants species shown to exist on the project site. However, in accordance with the *Programmatic Formal Consultation*

*for the U.S. Army Corps of Engineers 404 Permitted Projects that May Affect Four Endangered Plant Species on the Santa Rosa Plain (File Number 22342N) (BO), the project site will be considered endangered plant habitat. Since the applicant proposes mitigation that is not in accordance with the BO, a separate consultation with the FWS will be initiated.*

**Magnuson-Stevens Fisheries Conservation and Management Act:** The NMFS and several interagency fisheries councils have designated specific water bodies as Essential Fish Habitat (EFH) in accordance with the Magnuson-Stevens Fisheries Conservation and Management Act. Due to the absence of EFH on the project site, no consultation for EFH will be completed.

**Clean Water Act of 1972 (CWA):**

**a. Water Quality:** Under Section 401 of the Clean Water Act (33 U.S.C. Section 1341), an applicant for a Corps permit must first obtain a State water quality certification before a Corps permit may be issued. The applicant has provided the Corps with evidence that he has submitted a valid request for State water quality certification to the North Coast Regional Water Quality Control Board. No Corps permit will be granted until the applicant obtains the required water quality certification. The Corps may assume a waiver of water quality certification if the State fails or refuses to act on a valid request for certification within 60 days after the receipt of a valid request, unless the District Engineer determines a shorter or longer period is reasonable for the State to act.

Those parties concerned with any water quality issue that may be associated with this project should write to the Executive Officer, California Regional Water Quality Control Board, North Coast Region, 5550 Skylane Boulevard, Suite A, Santa Rosa, California 95403, by the close of the comment period of this Public Notice.

**b. Alternatives:** Evaluation of this proposed activity's impact includes application of the guidelines promulgated by the Administrator of the Environmental Protection Agency under Section 404(b)(1) of the Clean Water Act (33 U.S.C. Section 1344(b)). An evaluation has been made by this office under the guidelines and it was determined that the proposed project is not water dependent. The applicant has not submitted an Analysis of Alternatives and has been informed that such an Analysis is required and will be reviewed for compliance with the guidelines.

**National Historic Preservation Act of 1966 (NHPA):** Based on a review of survey data on file with various City, State and Federal agencies, no historic or archeological resources are known to occur in the project vicinity. If unrecorded resources are discovered during construction of the project, operations will be suspended until the Corps completes consultation with the State Historic Preservation Office (SHPO) in accordance with Section 106 of the National Historic Preservation Act.

**4. PUBLIC INTEREST EVALUATION:** The decision whether to issue a permit will be based on an evaluation of the probable impact, including cumulative impact, of the

proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits that reasonably may be expected to accrue from the proposed activity must be balanced against its reasonably foreseeable detriments. All factors that may be relevant to the proposal will be considered, including its cumulative effects. Among those factors are: conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people.

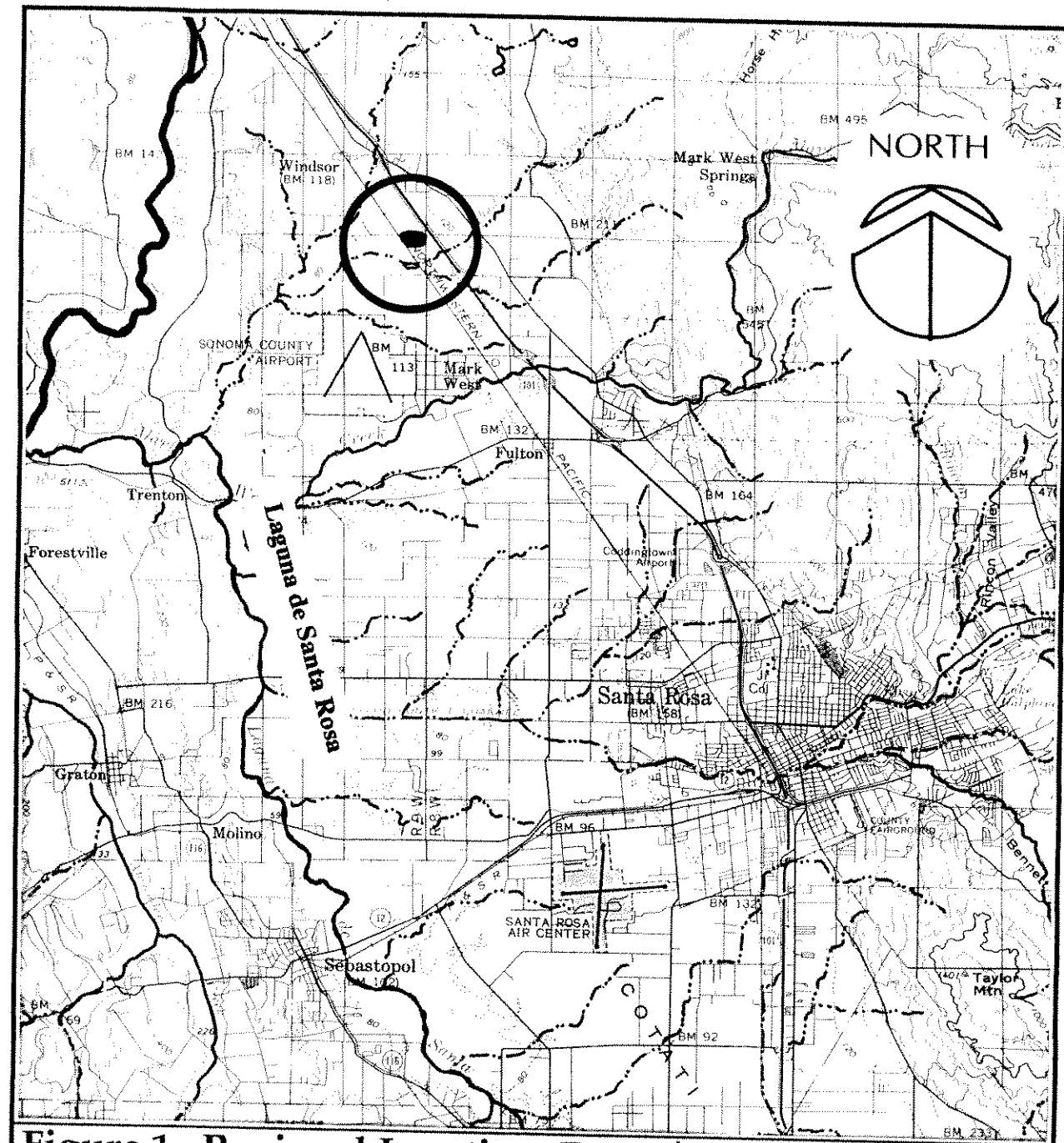
**5. CONSIDERATION OF COMMENTS:**

The Corps of Engineers is soliciting comments from the public, Federal, State and local agencies and officials, Indian Tribes, and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps to determine whether to issue, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine

the overall public interest in the proposed activity.

**6. SUBMISSION OF COMMENTS:**

Interested parties may submit, in writing, any comments concerning this activity. Comments should include the applicant's name and the number and the date of this Public Notice, and should be forwarded so as to reach this office within the comment period specified on Page 1. Comments should be sent to the U.S. Army Corps of Engineers, San Francisco District, Regulatory Branch, 333 Market Street, San Francisco, California 94105-2197. It is the Corps' policy to forward any such comments that include objections to the applicant for resolution or rebuttal. Any person may also request, in writing, within the comment period of this Public Notice that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing. Additional details may be obtained by contacting the applicant whose name and address are indicated in the first paragraph of this Public Notice or by contacting Bryan Matsumoto of our office at telephone 415-977-8476 or E-mail: Bryan.T.Matsumoto@usace.army.mil. Details on any changes of a minor nature that are made in the final permit action will be provided upon request.



**Figure 1. Regional Location, Evans/Drew Subdivision**

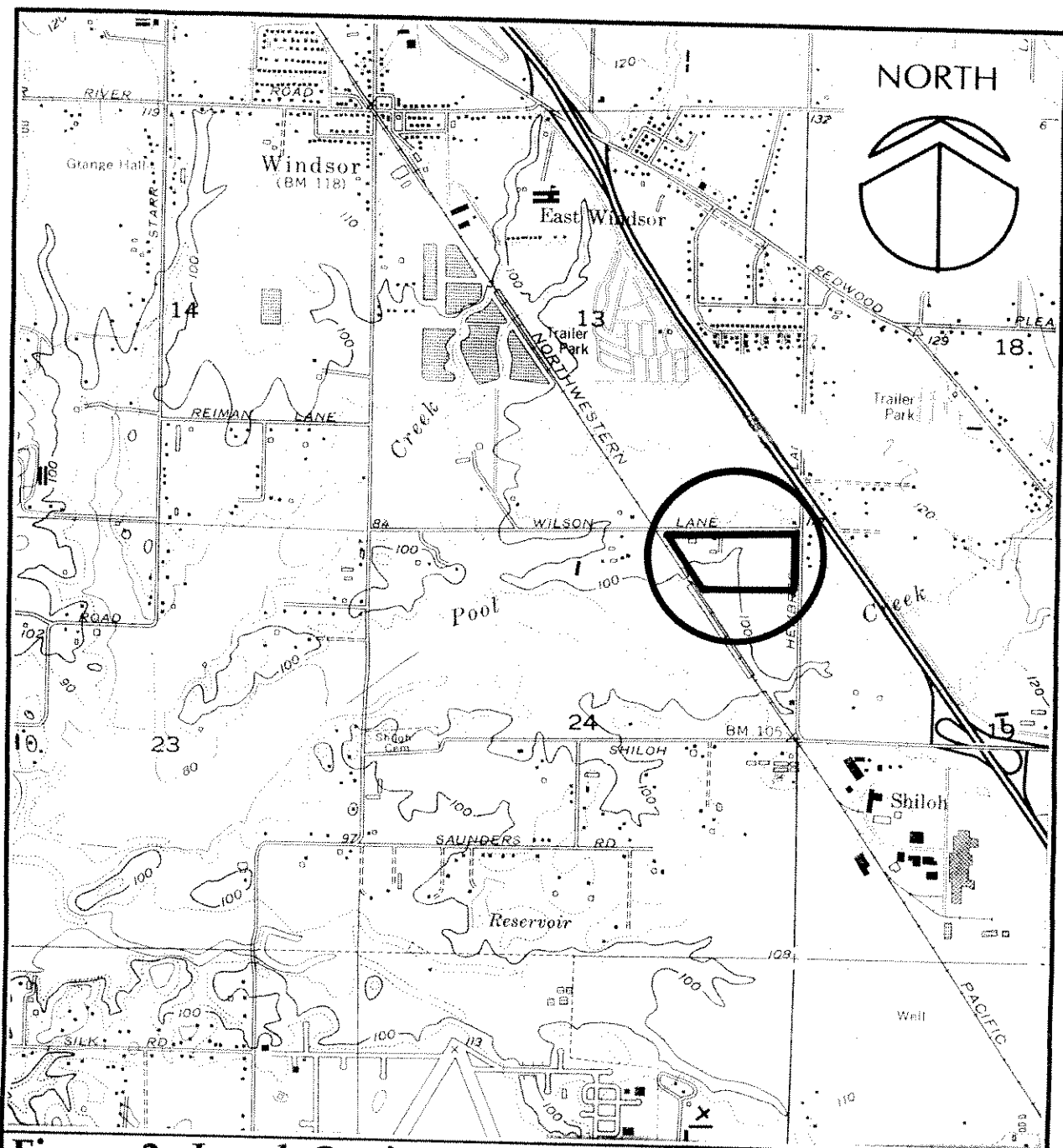
**Purpose:** Fill of 0.70 acre of seasonal wetland for light industrial development

**Datum:** NGVD

**Adjacent landowners:**  
Provided separately

**Basemap:** USGS 1:125,000 topographic map; 'SF Bay Area' set, sheet 1 of 3  
**Scale:** 1 inch = 2 miles  
**Applicant:** The Evans Co.,  
703 Second St. Suite 200,  
Santa Rosa, CA 95404

**In:** Ditches & swales tributary to Pool Creek  
**At:** 900 Mitchell Lane,  
Windsor  
**Corps File No.** 24940N  
**Sonoma County APN:**  
164-014-008



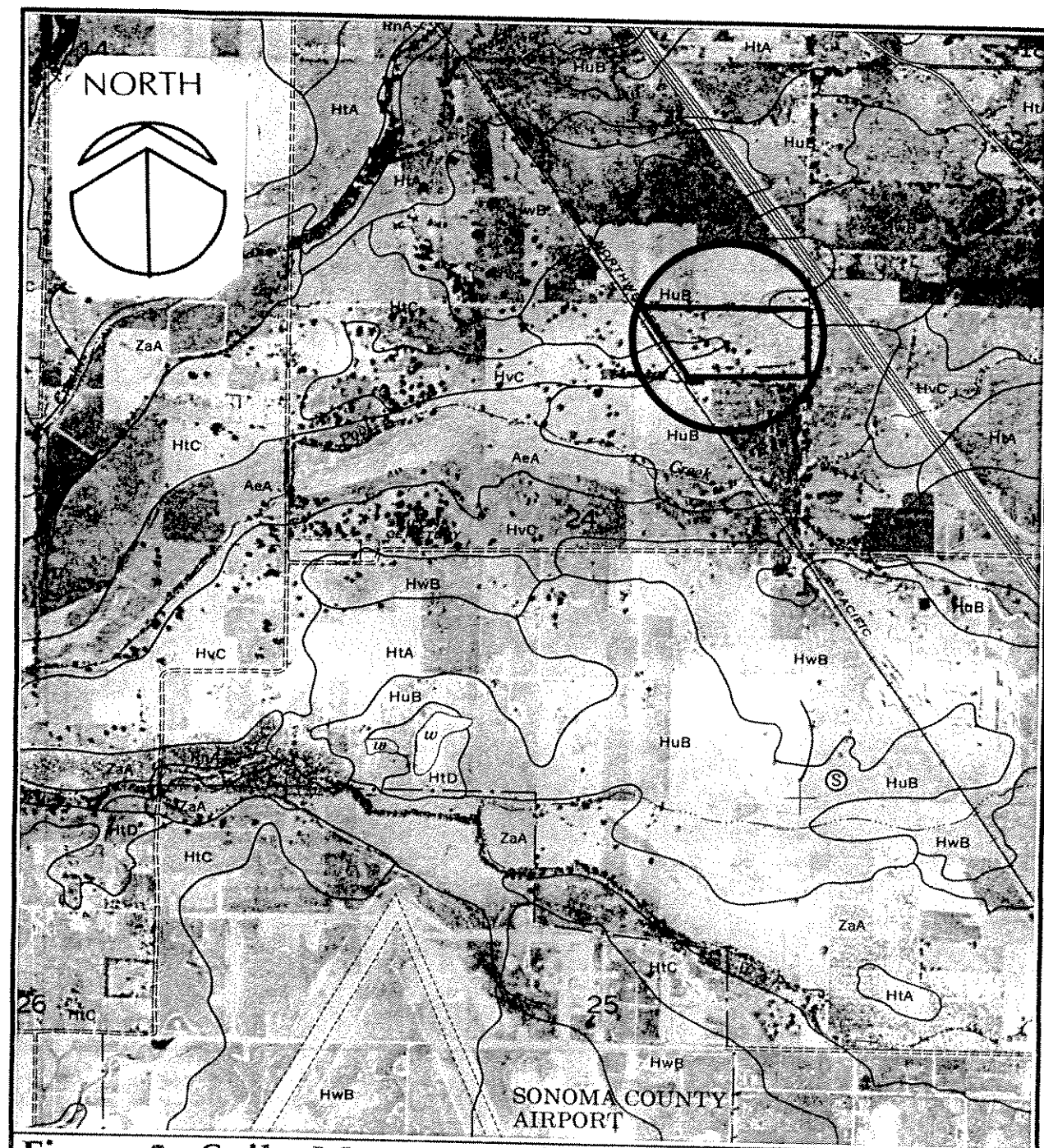
**Figure 2. Local Setting, Evans/Drew Subdivision**

**Purpose:** Fill of 0.70 acre of seasonal wetland for light industrial development  
**Datum:** NGVD  
**Adjacent landowners:** Provided separately

**Basemap:** USGS 7.5' topographic map; Healdsburg quadrangle  
**Scale:** 1 inch = 2000 feet  
**Applicant:** The Evans Co., 703 Second St. Suite 200, Santa Rosa, CA 95404

**In:** Ditches & swales tributary to Pool Creek  
**At:** 900 Mitchell Lane, Windsor  
**Corps File No.** 24940N  
**Sonoma County APN:** 164-014-008





**Figure 3. Soils Map, Evans/Drew Subdivision**

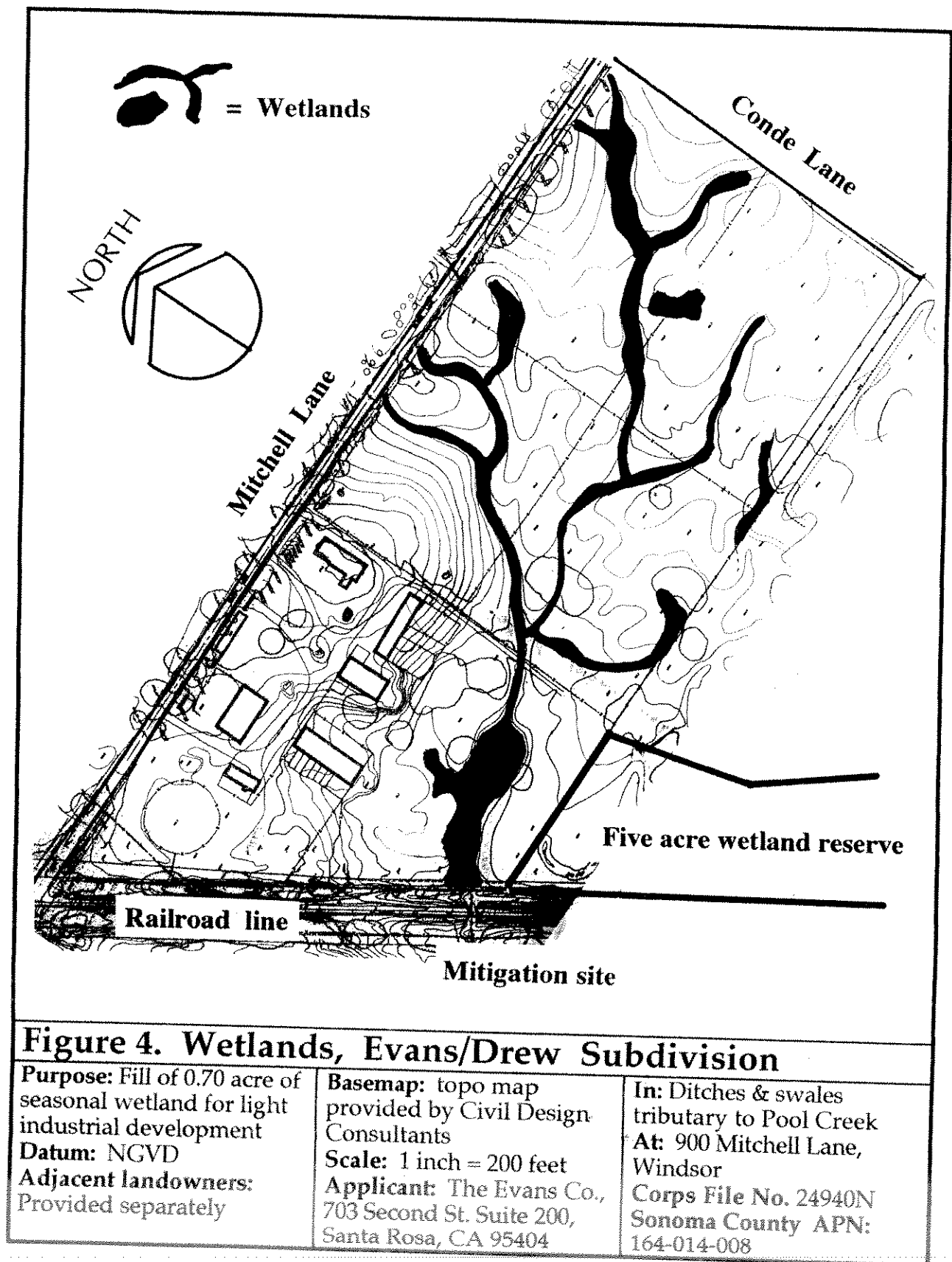
**Purpose:** Fill of 0.70 acre of seasonal wetland for light industrial development

**Datum:** NGVD

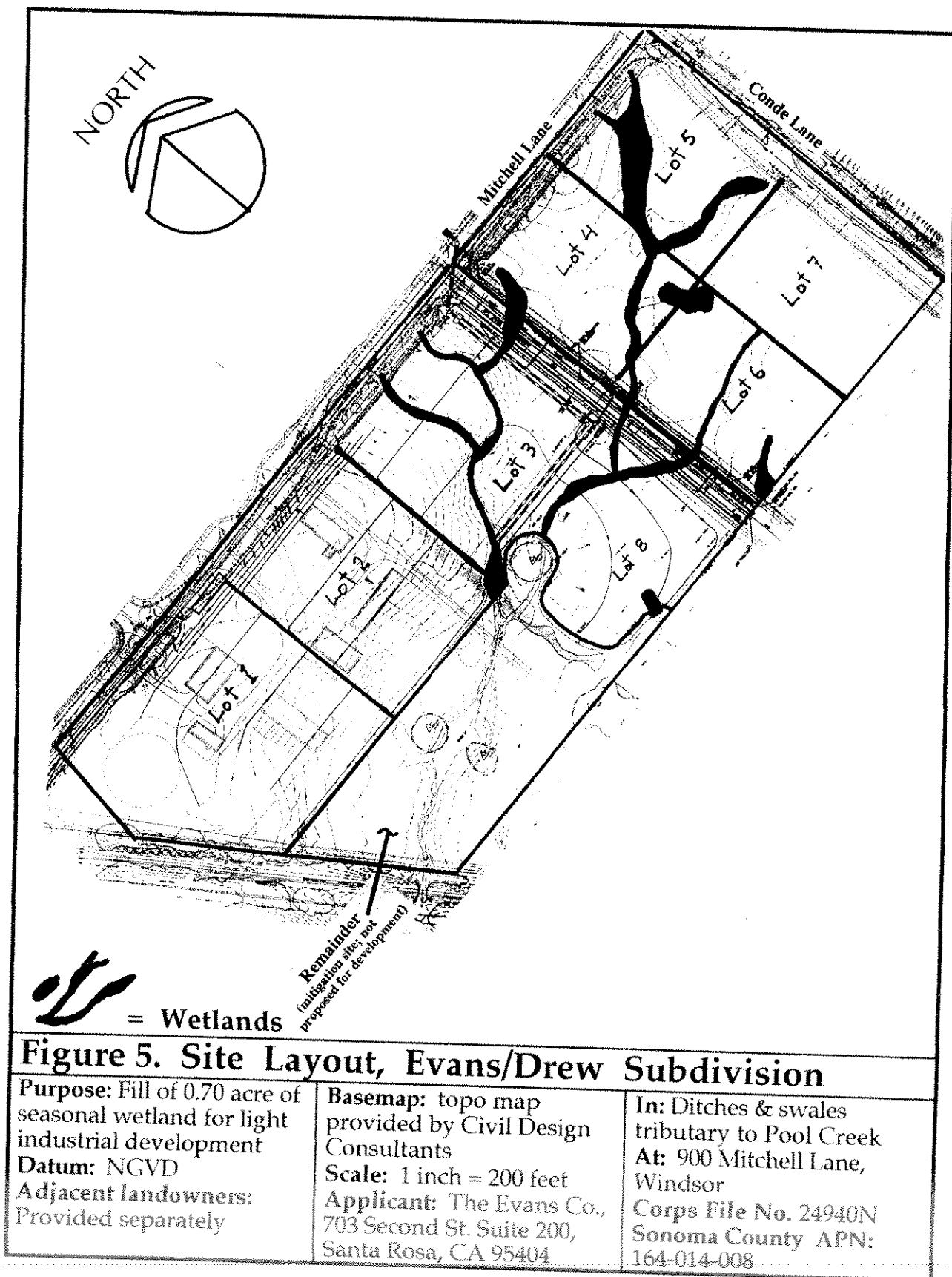
**Adjacent landowners:**  
Provided separately

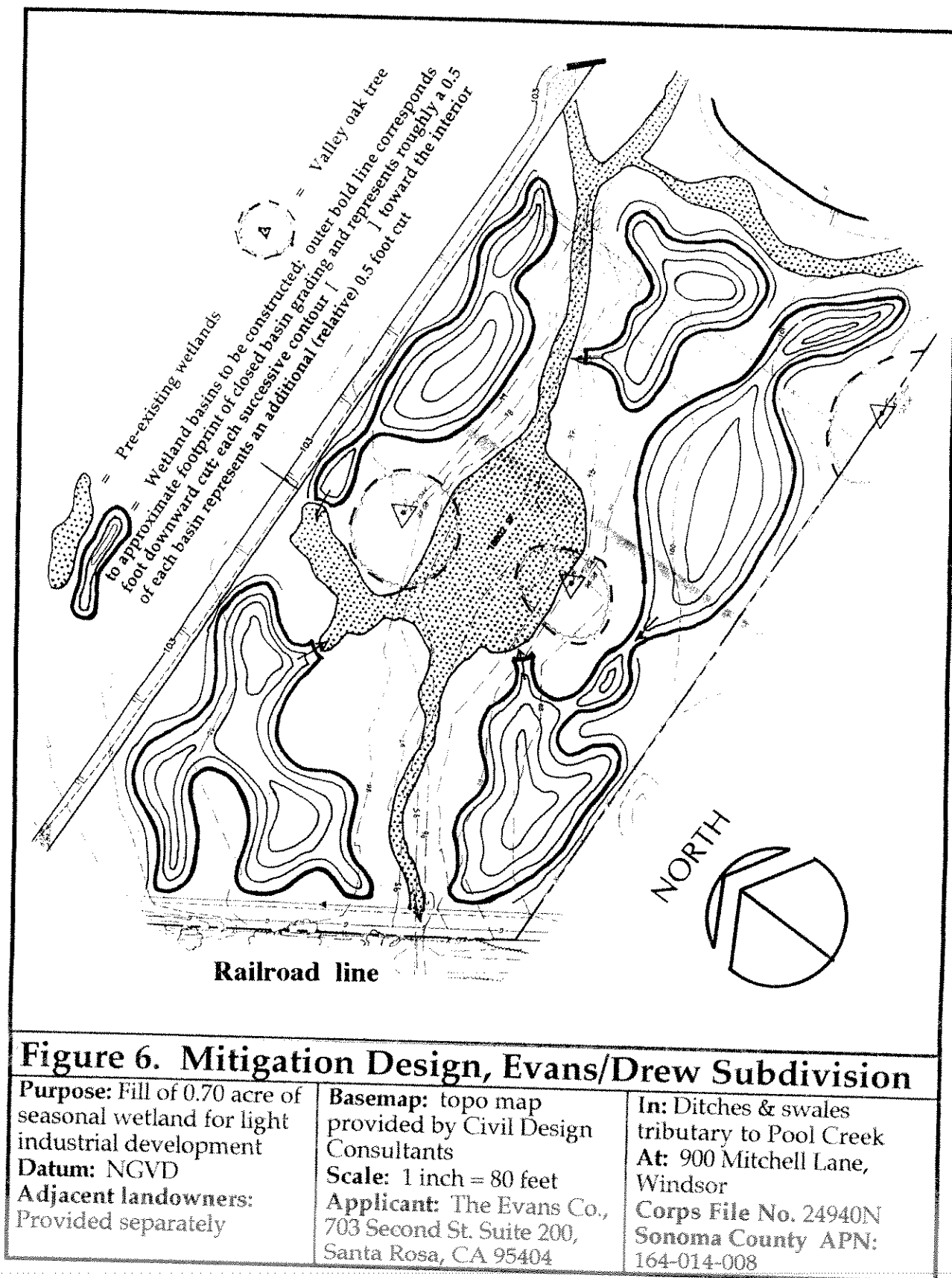
**Basemap:** USDA - SCS;  
Sonoma Co. Soil Survey;  
Miller, et al, 1972; sheet 65  
**Scale:** 1 inch = 1667 feet  
**Applicant:** The Evans Co.,  
703 Second St. Suite 200,  
Santa Rosa, CA 95404

**In:** Ditches & swales  
tributary to Pool Creek  
**At:** 900 Mitchell Lane,  
Windsor  
**Corps File No.** 24940N  
**Sonoma County APN:**  
164-014-008







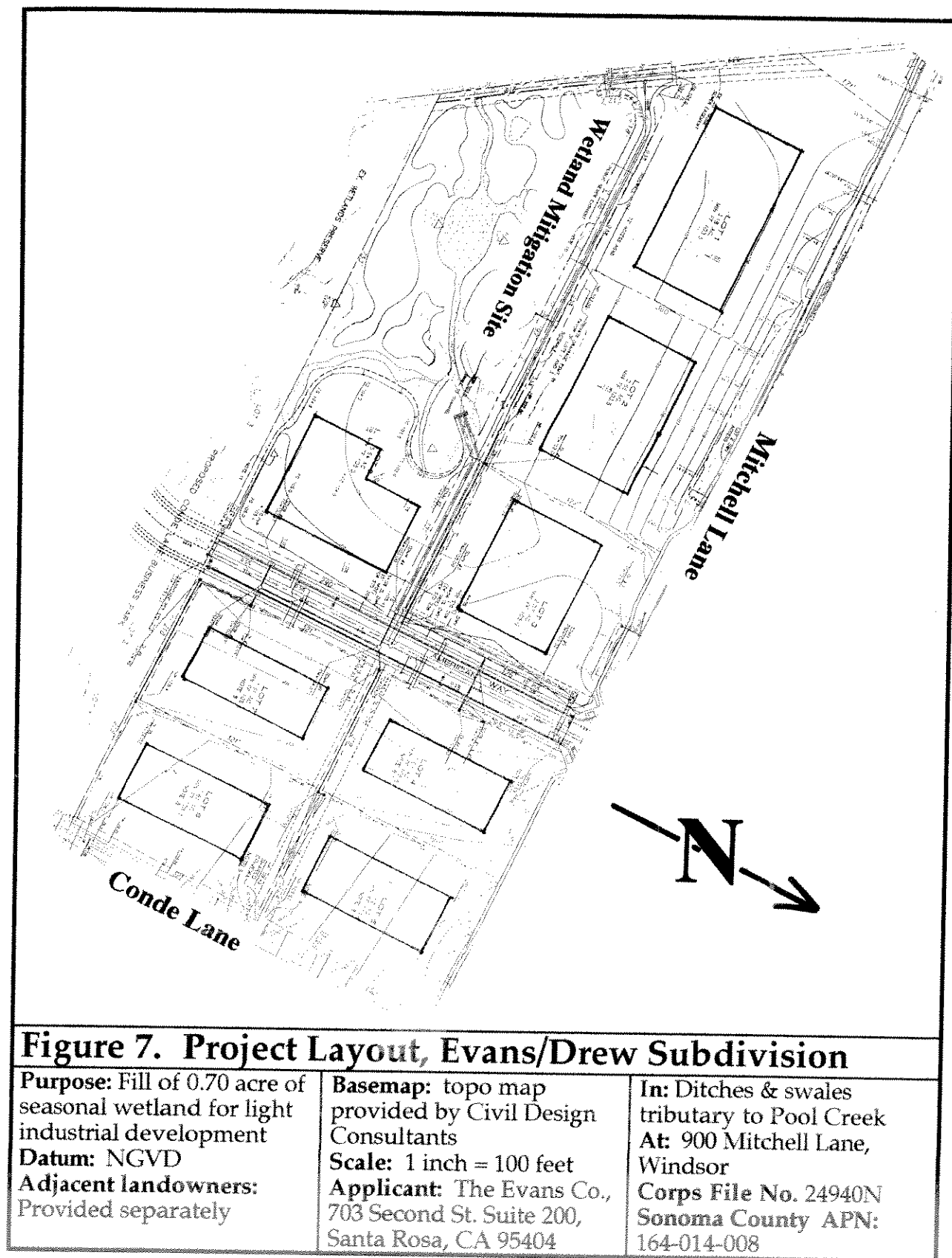


**Figure 6. Mitigation Design, Evans/Drew Subdivision**

**Purpose:** Fill of 0.70 acre of seasonal wetland for light industrial development  
**Datum:** NGVD  
**Adjacent landowners:** Provided separately

**Basemap:** topo map provided by Civil Design Consultants  
**Scale:** 1 inch = 80 feet  
**Applicant:** The Evans Co., 703 Second St. Suite 200, Santa Rosa, CA 95404

**In:** Ditches & swales tributary to Pool Creek  
**At:** 900 Mitchell Lane, Windsor  
**Corps File No.** 24940N  
**Sonoma County APN:** 164-014-008



DEPARTMENT OF THE ARMY  
San Francisco District, Corps of Engineers  
333 Market Street, CESP-N-CO-R  
San Francisco, California 94105-2197

1ST CLASS MAIL